

**MeF and EMS e-filing
For Processing Year 2012
Frequently Asked Questions**

1. When will the EMS system be available for processing returns?

For Processing Year 2012, EMS/legacy will adhere to the following hours of operation:

- For Forms 1040, 1040A, 1040EZ, 1040SS; ETD documents 4868, 2350, 56, 9465, and state returns, transmitters must e-file during the following hours local time:
 1. 10:00 - 11:00 a.m. prior to the 11:00 a.m. drain, local time.
 2. 5:00 - 6:00 p.m. prior to the 6:00 p.m. drain, local time.
 3. 1:00 - 2:00 a.m. prior to the 2:00 a.m. drain, local time.
- For Forms 94X and Form 1041, transmitters may e-file around the clock (24X7). :
- Acknowledgements for all return types can be retrieved around the clock (24x7).
- States can retrieve returns and transmit acknowledgements around the clock (24X7).

Throughout this document these restricted hours of operation shall be referred to as the **“EMS Hours of Operation.”**

2. Are there any volume restrictions during the EMS (Legacy) operations?

No. The IRS has determined that legacy/EMS can handle volumes during the EMS Hours of Operation. This includes returns that have been mandated to be e-filed by states that are not MeF- ready. Remember, even during the EMS hours of operations, most returns will be transmitted to MeF.

3. How will I know when MeF is unavailable, and how will the IRS notify me?

IRS will determine when MeF is unavailable. IRS will notify external customers through the QuickAlert system and the MeF status page on IRS.gov.

If you do not find an answer to your question in these FAQs, please forward it to the 1040 mailbox (1040mef@irs.gov).

4. Can you please explain the criteria the IRS is using to determine if a company meets the 1 million e-filing volume?

The IRS-provided notification states the following:

“Transmitting to MeF - Companies that transmitted 1 million or more 1040 e-Filed returns (including all 1040 form family and F4868 extensions) during Filing Season 2011 will be required to process their 2012 e-file volume through MeF. “

A company includes the parent company and all its subsidiaries. A company meets the 1 million e-filed returns threshold if the sum of all returns e-filed in PY2011 by the parent company and its subsidiaries' software packages equals or exceeds 1 million e-filed F1040 and F4868 returns.

5. What is the IRS doing to ensure adherence to the new EMS 1040 e-filing transmission requirements?

Software companies/transmitters that meet the 1 million e-file criteria (See FAQ #4) , must e-file through MeF. (Exceptions may be granted on a case-by-case basis.) The IRS will monitor large transmitter transmissions to EMS and remind those who transmit Form 1040 returns or ETDs to EMS of their responsibility to file through MeF. If the large transmitter persists in transmitting to EMS, the IRS may suspend the transmitter's EMS accounts.

All other transmitters may use MeF or EMS. However, EMS/legacy can only be used during the EMS Hours of Operation. Transmitters who transmit Forms 1040, ETD documents, or state returns to EMS outside the EMS Hours of Operation will receive an Error Acknowledgement with the following message: “Invalid Form Type for this EMS processing Site.” The transmitter will either have to wait for the EMS Hours of Operation to open for that processing site or transmit the returns to MeF.

6. Will Forms 94X and 1041 electronic filing be affected by the limited Legacy operation?

No. EMS will be available for filing Forms 94X and 1041 returns throughout the day. (See FAQ #1 for EMS Hours of Operation.)

7. How will these changes affect tax preparers?

These new Form 1040 transmission requirements may affect how and when Form 1040 returns and ETD documents are e-filed. Preparers should check with their software providers/transmitters to determine how and when their Form 1040 returns will be e-filed.

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8. What if a state agency is not ready to retrieve state returns from MeF?

States not MeF-ready may retrieve state returns from EMS with the following restrictions:

- (a) Software companies/transmitters who meet the 1 million e-filing criteria (see FAQ #4) cannot e-file federal Form 1040s through EMS. Therefore, state returns e-filed by large transmitters through EMS should not be attached to the federal return. They must be e-filed through EMS as standalone returns and during the EMS Hours of Operation. Exceptions may be granted on a case-by-case basis.
- (b) Transmitters who are not large transmitters may e-file state returns, including fed-state returns, through EMS. However, they must do so during the EMS Hours of Operation. (see FAQ #1).;
- (c) States may retrieve state returns from EMS throughout the day. The restricted hours apply only to transmitting and not retrieving returns.

9. What does a company that meets the 1 million e-file criteria do when it encounters a software, transmitter, or operational issue and can't file using MeF?

Companies that meet the 1 million e-filing criteria (see FAQ #4) must e-file all F1040 (and F4868 extensions) through MeF. A company encountering a processing problem with MeF must contact the IRS to discuss the problem. Follow the normal procedures to contact the IRS. If the IRS determines a problem exists, it will issue a temporary exemption permitting the company to e-file returns encountering the problem through EMS. The exemption will be revoked when the problem is corrected.

10. When e-filing a return, what documents can I mail to the IRS?

Please read carefully – some of the forms listed below have additional constraints.

The following forms and/or attachments can be mailed into the IRS; however, the preference is they be attached to the e-filed return as a PDF document.

These are the only forms than can be mailed to the IRS. To mail these forms/documents, the taxpayer/preparer attaches them to the 8453 transmittal document and mails the transmittal to the Austin Service Center. In addition, the taxpayer/preparer checks the paper indicators for these forms on the e-filed return. By checking the indicators, the taxpayer/preparer is notifying the IRS that

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paper copies of these forms and/or related documents have been mailed to the IRS and are part of the return.

Additional PDF guidance can be found in Section 2.2 of Publication 4164, *Modernized e-File (MeF) Guide for Software Developers and Transmitters*.

- **Appendix A** (Statement by Taxpayer Using the Procedures in Rev. Proc 2009-20 to Determine a Theft Loss Deduction Related to a Fraudulent Investment Arrangement)
 - Appendix A can be **mailed** to the IRS or be attached to the e-filed return as a PDF document.
- **Form 1098C:**
 - Form 1098C **must** be submitted in the e-filed return in XML using the “Contributions of Motor Vehicles Boats and Airplanes” schema and attaching it to Form 8283
 - AND
 - either **mailed** into the IRS or attached to the e-filed return as a PDF document.
 - OR
 - A “Contemporaneous Written Acknowledgement Statement” for a vehicle donation **must** be submitted in the e-filed return in XML using the XML “Contemporaneous Written Acknowledgement Statement” schema and attaching it to Form 8283
 - AND
 - either **mailed** into the IRS or attached to the e-filed return as a PDF document.
- **Power of Attorney**
 - A Power of Attorney can be **mailed** to the IRS or attached to the e-filed return as a PDF document.
- **Form 3115** (Application for Change in Accounting Method)
 - Form 3115 can be **mailed** to the IRS or attached to the e-filed return as a PDF document.
- **Form 3468:**
 - Form 3468 cannot be mailed into the IRS. It must be submitted in the e-filed return in XML using the **schema** provided.

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- The first page of the NPS Form 10-168a, Historic Preservation Certification Application (part 2 – Description of Rehabilitation), with an indication that it was received by the Department of the Interior or the State Historic Preservation Officer, together with proof that the building is a certified historic structure (or that such status has been requested) can be **mailed** to the IRS or attached to the e-filed return as a PDF document.
- **Form 4136:**
 - Form 4136 cannot be mailed into the IRS. It must be submitted in the e-filed return in XML using the **schema** provided.
 - The Certificate for Biodiesel can be **mailed** to the IRS or attached to the e-filed return as a PDF document.
 - The Statement of Biodiesel Reseller or a certificate from the provider identifying the product as renewable diesel can be **mailed** to the IRS or attached to the e-filed return as a PDF document.
 - A statement from the reseller can be **mailed** to the IRS or be attached to the e-filed return as a PDF document.
- **Form 5713**, International Boycott Report can be mailed to the IRS.
 - Form 5713 can be **mailed** to the IRS or attached to the e-filed return as a PDF document.
- **Form 8283:**
 - Unless a signature is required, form 8283 cannot be mailed into the IRS. It must be submitted in the e-filed return in XML using the **schema** provided.
 - When a signature is required on the Form 8283, a signed copy of Form 8283 can be **mailed** to the IRS or be attached to the e-filed return as a PDF document.
- **Form 8332**, Release/Revocation of Release of Claim to Exemption for Child by Custodial Parent.
 - Form 8332 can be **mailed** to the IRS or attached to the e-filed return as a PDF document.

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- Certain pages from a divorce decree or separation agreement, that went into effect after 1984 and before 2009, can be **mailed** to the IRS or be attached to the e-filed return as a PDF document.
- **Form 8858**, Information Return of U.S. Persons With Respect to Foreign Disregarded Entities
 - Form 8858 can be **mailed** to the IRS or attached to the e-filed return as a PDF document.
- **Form 8864:**
 - Form 8864 cannot be mailed into the IRS. It must be submitted in the e-filed return in XML using the **schema** provided.
 - The Certificate for Biodiesel can be **mailed** to the IRS or attached to the e-filed return as a PDF document.
 - The Statement of Biodiesel Reseller or a certificate from the provider identifying the product as renewable diesel can be **mailed** to the IRS or attached to the e-filed return as a PDF document.
 - A statement from the reseller can be **mailed** to the IRS or attached to the e-filed return as a PDF document.
- **Form 8885:**
 - Form 8885 cannot be mailed into the IRS. It must be submitted in the e-filed return in XML using the **schema** provided.
- The documents that can be **mailed** or attached to the e-filed return are the required attachments identified in the Instructions.

11. What forms are required to be attached to the e-filed return as PDF documents?

Form 8938, *Statement of Foreign Financial Assets*, can only be submitted as a PDF attachment. The form will be XML-enabled in a future release.

12. What if the software package I use doesn't support the form/schedule provided by the IRS? Can I mail that form into the IRS or attach it as a PDF document to the e-filed return?

No, you cannot. If the IRS provided a schema for the form/schedule in the F1040 release packages, the form must be attached to the e-filed return in XML format in the appropriate place.

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13. Will transmitters be allowed to retrieve acknowledgements and states be allowed to retrieve submissions and transmit acknowledgements outside the EMS hours of operation.

Yes. See FAQ #1 for the EMS hours of Operation. Transmitters may retrieve acknowledgements around the clock and states may transmit acknowledgements and retrieve returns around the clock.

14. If a state is participating in MeF, but a transmitter is not supporting MeF for that state, is it acceptable to transmit the state return in legacy format to legacy/EMS?

For those transmitters/software developers who meet the 1 million e-file criteria (see FAQ #4) the answer is **no**. This includes fed-state returns and standalone state returns. Exceptions are granted on a case-by-case basis. Transmitters/software developers who do not meet the 1 million e-file criteria may e-file federal and state returns through legacy but are restricted the EMS Hours of Operation.

15. Will the business rules that have been disabled during testing be working once the filing season opens on January 17, 2012?

All business rules disabled during testing will be enabled during production, except those listed as disabled in the Known Issues List. The Known Issues List can be found on the MeF website.

16. What will be the process for resolving transmitter/IRS issues in a prompt manner?

Transmitters, software developers, and states should follow the normal escalation/resolution procedures.

17. How will versioning between testing and production be mitigated?

The IRS makes every effort to limit the issuance of new schema versions, especially major version changes in production. When a change is necessary, the IRS attempts to implement the change without issuing a new schema version/release package. However, there are times when issuing a new schema version/release package is unavoidable.

18. How will the IRS ensure software companies and states can get through testing before the filing season begins?

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Every software developer and state is assigned an e-file help desk assistor to assist them through the testing phase. In addition, the MeF system (ATS) is available 24/7 throughout the year.

19. What is the IRS timeframe to notify industry that they may transmit all returns via legacy if MeF is unavailable?

There is no set timeframe because every problem is different. Time of notification will depend upon the situation. The IRS will notify customers when a decision is made using the standard communication venues (QuikAlert and MeF status page).

20. How long do software developers have to develop a state that becomes MeF-Ready during the 2012 filing season?

When a state becomes MeF-Ready during the filing season, a large software developer/transmitter who meets the 1 million e-file criteria (see FAQ #4) has two weeks from the date the state becomes MeF-Ready to e-file its returns through MeF. If the company cannot meet this timeframe, it must notify the IRS to discuss the situation. Exceptions may be granted on a case-by-case basis.

Software Developers/Transmitters who do not meet the 1 million e-file criteria are not affected.

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